

HOUSE No. 2695

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and Donald F. Humason, Jr., relative to reducing overcrowding in hospital emergency rooms. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PATIENT SAFETY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 51 of Chapter 111 of the General Laws is hereby
2 amended by inserting at the end thereof the following:
3 Each hospital in the Commonwealth that operates an Emer-
4 gency Room shall annually file with the department, within thirty
5 (30) days of the start of the hospital fiscal year, a written oper-
6 ating plan designed to eliminate emergency room overcrowding
7 and diversions. The plan shall include the following:
8 1) A comprehensive assessment of emergency room wait times
9 for the prior fiscal year, including the average wait time and the
10 number of complaints submitted to the hospital regarding wait
11 times in the emergency room, and a review of steps taken to
12 reduce the wait time. The assessment shall also include the
13 number of hours the emergency room was on diversion status,
14 broken down by day of the week, and the actual number of emer-
15 gency diversions for the prior fiscal year;
16 2) A summary of the specific measures that the hospital will
17 take in the current fiscal year to eliminate overcrowding in the
18 emergency room, such as adjusting elective surgery schedules to
19 reduce variability;
20 3) The anticipated impact the plan will have on staffing ratios
21 and, after the first year, the actual impact the plan has had for the
22 previous year;
23 4) A defined set of measures by which to assess the plan's suc-
24 cess, such as the number of emergency room diversions, the

25 average wait time to receive emergency services, and/or the per-
26 centage of patients in a bed within one hour of arriving in the
27 emergency room;

28 The Department shall notify the hospital that the plan has been
29 approved or disapproved within twenty (20) days after filing,
30 based on a determination as to whether the plan adequately
31 addresses the needs of emergency room patients. If such plan has
32 not been acted upon by the department within twenty (20) days,
33 the plan shall be deemed approved. If the department disapproves
34 of such plan, the hospital shall submit a revised plan within
35 twenty (20) days. If the revised plan continues to be disapproved,
36 or if a hospital fails to submit a plan, the commissioner may take
37 any action deemed appropriate.